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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,951	11/27/2001	John David Miller	10559-498001/P11790	2867

26529 7590 09/22/2004

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EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/995,951

Applicant(s)

MILLER, JOHN DAVID

Examiner

CESAR B PAULA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12/9/02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the application, and IDS filed on 11/27/2001, and 12/9/2002 respectively.

**This action is made Non-Final.**

2. Claims 1-30 are pending in the case. Claims 1, 9, 11, 19, 21 and 29 are independent  
claims.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 12/9/2002 has been entered, and considered by the examiner.

### ***Drawings***

4. The drawings filed on 11/27/2001 have been approved by the examiner.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7, 9-17, 19-27, and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by DeStefano (Pat.# 6,308,187, 10/23/2001, filed 2/8/1998).

Regarding independent claim 1, DeStefano discloses presenting content from a body of knowledge, such as the retrieval of books from the Bible—*receiving a control parameter that identifies electronic in a database*. Lenses or windows—*content objects*—are created for displaying content from a body of knowledge (col. 10, lines 25-47, and col. 15, lines 27-65, fig. 7-10).

Furthermore, DeStefano discloses the manipulation of lenses or windows, and arranging the lenses in a 3D format for displaying content from the body of knowledge, in such a way to help a user to tell a story, such as presentation of an event according to the Gospels of the New Testament of the Bible—*arranging the content objects as a three-dimensional collage* (col. 15, lines 27-col. 16, line 67, fig. 7-10).

Regarding claim 2, which depends on claim 1, DeStefano discloses presenting content from a body of knowledge, such as the retrieval of books from the Bible—*receiving a control parameter that identifies a range and divisions to the range*. Lenses or windows—*graphics objects*—are created for displaying content from a body of knowledge which is arranged in 3D (col. 10, lines 25-47, and col. 15, lines 27-65, fig. 7-10).

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Furthermore, DeStefano discloses the manipulation of lenses or windows, and arranging the lenses in a 3D format for displaying content from the body of knowledge, in such a way to help a user to tell a story, such as presentation of an event according to the Gospels of the New Testament of the Bible—*positioning the content objects on the three-dimensional graphics objects* (col. 15, lines 27-col. 16, line 67, fig. 7-10).

Regarding claim 3, which depends on claim 2, DeStefano discloses presenting content from a body of knowledge, and presenting different and concurrent event sequences, such as concurrently presenting the story of the life of Jesus according to each of the four Gospels—*time range and divisions to the range comprise time slices* of the events (col. 15, lines 6-51, fig. 7-10).

Regarding claim 4, which depends on claim 2, DeStefano discloses presenting content in different formats, such as in a series of lenses along an axis, in a zigzag, and side-by-side patterns— (col. 15, lines 6-col.16, line 67, fig. 4-10).

Regarding claim 5, which depends on claim 2, DeStefano discloses presenting and arranging content in different 3D--formats, such as in a series of lenses along an axis, in a zigzag, and side-by-side patterns—*receiving layout arrangement control parameter, where the 3D graphics objects are arranged in accordance with the layout arrangement control* (col. 15, lines 41-col.16, line 20, fig. 4-10).

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Regarding claim 6, which depends on claim 1, DeStefano discloses presenting content, such as video, audio, etc. (col. 8, lines 26-41, col. 10, lines 25-47).

Regarding claim 7, which depends on claim 1, DeStefano discloses presenting content from a body of knowledge, such as the retrieval of books from the Bible, where lenses or windows are created for displaying content from a body of knowledge which are arranged in 3D—*creating a 3D graphics environment*— (col. 10, lines 25-47, and col. 15, lines 27-65, fig. 7-10).

Claim 9 is directed towards a method for implementing the steps found in claim 2, and therefore is similarly rejected.

Regarding claim 10, which depends on claim 9, DeStefano discloses presenting content from a body of knowledge, such as the retrieval of books from the Bible. Lenses or windows—*content objects*—are created for displaying content from a body of knowledge which are arranged in 3D—*receiving a control parameters that identify electronic content for the content objects, identify a range and divisions to the range* (col. 10, lines 25-47, and col. 15, lines 27-65, fig. 7-10).

Furthermore, DeStefano discloses the manipulation of lenses or windows, and arranging the lenses in a 3D format for displaying content from the body of knowledge, in such a way to help a user to tell a story, such as presentation of an event according to the Gospels of the New

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Testament of the Bible –*layout arrangement for the three-dimensional graphics objects* (col. 15, lines 27-col. 16, line 67, fig. 7-10).

Claims 11-17 are directed towards a method for implementing the steps found in claims 1-7 respectively, and therefore are similarly rejected.

Claims 19-20 are directed towards an article on a machine-readable medium for executing the steps found in claims 2, and 10 respectively, and therefore are similarly rejected.

Claims 21-27, and 29-30 are directed towards an apparatus for implementing the steps found in claims 1-7, 2, and 11 respectively, and therefore are similarly rejected.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over ?

DeStefano, in view of Dobbelaar (Pat. # 6,538,672, 3/25/2003, filed on 2/7/2000).



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Regarding claim 8, which depends on claim 1, DeStefano discloses presenting content from a body of knowledge using lenses or windows—*content objects*—are created for displaying content from a body of knowledge which are arranged in 3D (col. 10, lines 25-47, and col. 15, lines 27-65, fig. 7-10). DeStefano fails to explicitly disclose: *an electronic program guide that identifies shows that are broadcast at specified time*. However, Dobbelaar teaches displaying an electronic program guide in a screen axis showing broadcast times for a particular program (abst., fig. 3). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine DeStefano, and Dobbelaar, because Dobbelaar teaches allowing a user to search for desired programs in a more convenient way (col. 1, lines 30-50).

Claim 18 is directed towards an article on a machine-readable medium for executing the steps found in claim 8, and therefore is similarly rejected.

Claim 28 is directed towards an apparatus for implementing the steps found in claim 8, and therefore is similarly rejected.

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### ***Conclusion***

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ohkura et al. (Pat. # 6,128,009), and DeStefano (Pat. # 6,304,259).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is **(703) 306-5543** (

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**(571) 272-2148 as of 10/12/04**. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (703) 308-5465 ( (571) 272-4124 as of 10/12/04). However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

- **(703) 703-872-9306**, (for **all** Formal communications intended for entry)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).**



CESAR B PAULA  
Patent Examiner  
Art Unit 2178

9/17/04